



## **DIVERSION/DISCIPLINE COMMITTEE MEETING**

### **AGENDA**

**Hilton San Diego Mission Valley  
901 Camino del Rio South  
San Diego, CA 92108**

**October 12, 2011**

**Wednesday, October 12, 2011 - 9:00 am – 10:00 am**

- 1.0 Review and Approve Minutes:**
  - August 10, 2011
- 1.1 Nursys Discipline Data Comparison (Scrub) Update**
- 1.2 Complaint Intake and Investigations Update**
- 1.3 Discipline and Probation Update**
- 1.4 Diversion Program Update**
  - 8.5.1 Committee Member Term Resignations**
  - 8.5.2 Diversion Evaluation Committee Member Appointments**
- 1.5 Statistics**
- 1.6 Public Comment for Items Not on the Agenda**

#### **NOTICE:**

All times are approximate and subject to change. Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. The meeting may be canceled without notice. For verification of the meeting, call (916) 574-7600 or access the Board's Web Site at <http://www.rn.ca.gov>. Action may be taken on any item listed on this agenda, including information only items.

Public comments will be taken on agenda items at the time the item is heard. Total time allocated for public comment may be limited.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Administration Unit at (916) 574-7600 or email [webmasterbrn@dca.ca.gov](mailto:webmasterbrn@dca.ca.gov) or send a written request to the Board of Registered Nursing Office at 1747 North Market #150, Sacramento, CA 95834. (Hearing impaired: California Relay Service: TDD phone # (916) 322-1700). Providing your request at least five (5) business days before the meeting will help to ensure the availability of the requested accommodation.

Board members who are not members of this committee may attend meetings as observers only, and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum.



## **DIVERSION/DISCIPLINE COMMITTEE MINUTES**

**DATE:** August 10, 2011

**SITE:** Department of Consumer Affairs  
1625 North Market Blvd.  
Hearing Room S-102  
Sacramento, CA 95834

**MEMBERS PRESENT:** Dian Harrison, Chair  
Judy L. Corless, BSN, RN  
Erin Niemela

**MEMBERS ABSENT:** Richard Rice

**STAFF PRESENT:** Louise Bailey, M.Ed., RN, Executive Officer  
Stacie Berumen, Assistant Executive Officer  
Kathy Hodge, Deputy Chief, Complaints & Investigations  
Beth Scott, Deputy Chief, Discipline, Probation & Diversion  
Carol Stanford, Diversion Program Manager

The Chair called the meeting to order at about 9:02 a.m.

### **8.0 REVIEW AND APPROVE MINUTES:**

Approve/Not Approve: Minutes of May 18, 2011

**M/S/C: Moved by Erin Niemela, Seconded by Judy Corless, Carried**

### **8.1 Nursys Discipline Data Comparison (Scrub) Update**

The Probation Program continues to work on the Nursys discipline data comparison project and will continue to do so until all records have been reconciled against California's records.

Currently, 1,805 records have been reviewed on the active license list. Determination was made whether the cases warranted a request for the other state's discipline documents. This review resulted in 1,050 requests for out-of-state documents. The documents will be evaluated and a decision made as to the appropriate action needed.

Review of the inactive license spreadsheet is in progress and will continue until complete. Holds have been placed on 1,915 inactive records to alert staff when a nurse on the list attempts to

activate their license. This alert will allow staff to immediately request and review the records to determine if out-of-state discipline documents are needed for possible action on the license.

The status of the documents reviewed:

Referred to the Attorney General	336
Pleadings Received	294
Notices of Defense Received	164
Referred to Cite and Fine	42
Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)	615
Settlement or Decision Pending	150
Surrender or Revocation	116
Probation or Reprimand	28

**UPDATE:**

The amendment to the contract with the National Council of State Boards of Nursing (NCSBN) has been fully executed. Currently the Office of Information Services is working with the NCSBN to ensure the appropriate data fields are sent to NURSYS when all of our licensing data is transferred.

**AG COSTS:**

As of June 30, 2011, the BRN has expended \$675,835 at the AG's office on the Nursys Scrub cases.

## **8.2 Complaint Intake and Investigations Update**

**Staff**

Due to the approval of two of our three individual freeze exemption requests, we were able to bring back two of our very valuable limited term employees in June 2011. Additional exemption requests were recently submitted to fill our remaining vacant positions – nursing education consultants, first line managers, special investigators, and office technicians. We have not received any qualified applications which meet the hiring freeze restrictions. The lack of support staff requires the analysts to perform technical work in addition to their highly analytical duties. Since we are unable to fully utilize their expertise, our progress to reduce case turnaround times is severely compromised.

We have had the opportunity to hire, as follows:

**Complaint Intake:** We recently filled all four analyst (AGPA and SSA) vacancies; however, this very busy unit is now left with only one half-time office technician (OT) and three OT vacancies.

**Investigations:** Northern - We conducted and cleared background investigations on four of our special investigator (SI) candidates, and the supervising SI. All began their positions in July/August 2011. We have three vacant SI positions remaining.

Investigations: Southern - Plans are underway to conduct interviews in Southern California to fill seven investigators and the supervisor position. However, we currently have very few DCA applications.

### **Program - Complaints**

We are in the process of forming our new Complaint Intake unit. We added two more analysts, for a total of three, who not only share the applicant cases but also have taken over all new complaints for licensees with out of state discipline or convictions. Major changes are underway in processing licensing applicants. As of July 1, 2011, with the assistance of the Licensing program, all supporting documents are now obtained prior to case referral to Complaint Intake. Although in its infancy, we have already reduced case turnaround times from two to three plus months, to less than one month. Our goal is to complete review of all applicant files in two weeks or less once we have our full compliment of staff and the licensing staff is more experienced in recognizing what constitutes a complete file.

Additionally, as of September 1, 2011, complaint intake will begin to request and track evidentiary documents for all new complaints to support the nurses and/or investigators.

After thorough research on our retroactive fingerprint results from DOJ, approximately 5,000 licensees failed to comply with the retroactive fingerprint requirement. Due to staffing issues, we are unable to address all 5,000 licensees at one time, therefore, as their renewal date approaches, their license is placed on inactive status and a letter is sent informing them they are being referred to enforcement for further action. We anticipate a large increase in complaints and subsequent referrals to either Citation and Fine or the AG's office.

### **Program - Investigations**

Three retired annuitant (RA) SIs are actively working our cases in Northern California. CLEAR training has been provided for the four new SIs and the supervising SI, as well as a 32-hour internal course. The special investigators will work closely with the RAs until they have proven they are ready to conduct independent investigations.

We continue to utilize the resources and expertise of DOI for the cases that meet their investigation criteria, as well as those that are prioritized as high or urgent – particularly in Southern California, as we have yet to hire BRN investigators. Only routine case investigations continue to be referred for BRN investigation.

The new investigators are reviewing our oldest cases, similar to the 365 review (all cases older than one year) that was done with DOI in 2009. There are approximately 120 from 2009 which will be referred to DOI if they merit further investigation.

### **Statistics**

In FY 2010/11 we received 7,977 complaints, 494 more than last fiscal year. There are 789 DOI investigations and 464 BRN investigations pending completion.

Please review the enforcement statistics reports in 8.5 which have additional breakdowns of information.

### **8.3 Discipline and Probation Update**

#### **Staff**

The Discipline Unit has a full-time permanent Office Technician vacancy. The Probation and Discipline Units each have a vacant limited term Office Technician position. Recruitment efforts were completed to fill these positions. With the hiring freeze limitations, we did not receive any eligible candidates. The limited term positions have just over 14 months remaining of the 24 months allowed.

Effective June 27, 2011, Lisa Hall started in the Probation Unit as an Associate Governmental Program Analyst (AGPA)/Probation Monitor. Lisa has experience with the BRN as a Staff Services Analyst in the Discipline Unit.

Effective July 5, 2011, Elizabeth Elias, AGPA/Probation Monitor became a special investigator for the BRN Investigations Unit; therefore, recruitment efforts have been initiated to fill the vacant position.

On August 1, 2011, Gina Skinner AGPA/Discipline Analyst assumed her new position in the Diversion Unit as an AGPA. Recruitment efforts have been initiated to fill the vacant position.

#### **Program - Discipline**

The BRN Discipline and Probation programs began preparing default decisions coming out of the Oakland and San Francisco AGs office as of December 25, 2010. Although we would like to take on the other AG office locations, we are unable to do so until we are authorized to put the appropriate level of personnel in place.

Staff continues to increase its usage of citation and fine as a constructive method to inform licensees and applicants of violations which do not rise to the level of formal disciplinary action.

Until we are able to hire nurses and additional special investigators the Discipline analysts will continue to review completed investigation reports and obtains expert witness reports prior to closing or referring any cases for possible disciplinary action. This additional workload continues to cause delays in our case turnaround times.

#### **Program - Probation**

The Probation Program continues to work on the Nursys discipline data comparison project and will continue to do so until all records have been reconciled against California's records. Updates will be provided at each DDC meeting.

#### **Statistics - Discipline**

There are 1,160 cases pending at the AG's office which continues to remain at a very high level. The BRN continues to be the AGO's largest client, surpassing the Contractor's State Licensing Board. From July 1, 2010 to June 30, 2011, the BRN staff has served 976 accusations.

Please review additional statistical information which can be found under item 8.5.

## **Statistics – Probation**

Below are the statistics for the Probation program from as of July 20, 2011.

Probation Data	Numbers	% of Total
Male	140	26%
Female	402	74%
Chemical Dependency	299	55%
Practice Case	175	32%
Mental Health	3	<1%
Conviction	65	12%
Advanced Certificates	52	9%
Southern California	293	54%
Northern California	249	46%
Pending at the AG	67	12%
License Revoked	7	<1%
License Surrendered	9	<1%
Terminated	6	<1%
Completed	14	<1%
Total in-state probationers	542	

## **8.5 Diversion Program Update and Statistics**

### **Program Update**

At the 2011 Attorney Investigator Conference, the National Council of State Boards of Nursing (NCSBN) presented information for establishing Drug Monitoring Programs. The conference included the Journal of Nursing Regulation publication that referenced the Model Guidelines for Alternative Programs and Discipline Monitoring Programs. The model guidelines were developed by the nine -member committee established by NCSBN to review discipline and alternative programs. The program manager, Carol Stanford, was a part of this committee and assisted in the development of these standards. The journal can be provided upon your request

Effective August 1, 2011, Gina Skinner started in the Diversion Program as an Associate Governmental Program Analyst (AGPA). Gina has experience with the BRN as an AGPA in Enforcement. Gina is thrilled to join the Diversion Unit and has started familiarizing herself with the program. The Diversion Program has a vacant Office Technician position and recruitment efforts have begun.

The program manager, Carol Stanford and Maximus Project Director, Virginia Matthews are scheduled to present at an education seminar for Sutter Medical Center in Northern California on September 29, 2011. This was prompted by the presentation at the Diversion Program Education Seminar for the Hospital Association in Southern California. The feedback was very positive and requests were made to provide a similar presentation in the Northern area.

On October 25, 2011, a Diversion Liaison Committee meeting will be held in Northern California. The logistics for this meeting will be presented at the next DDC Meeting. New DDC

members are encouraged to attend the Diversion Evaluation Committee training on October 26, 2011 in Northern California.

### **Contractor Update**

The Diversion Program Committee, (DPC) continues to meet monthly to update all contract requirements. Dr. Stephen Grinstead, co-author of the Gorsky relapse prevention book and a leader in relapse prevention research, is scheduled to present at the next scheduled DPC meeting.

### **Diversion Evaluation Committees (DEC)**

On July 21, 2011, DEC member, Dr. Diane Hambrick presented addiction and relapse information at the Enforcement Managers Roundtable. Her expertise and willingness to share with the Enforcement Managers is appreciated. The staff is looking to expand this training to other DCA employees.

There are currently 12 vacancies as follows: two Registered Nurses, five Physicians, and five public members. Recruitment efforts continue.

### **Statistics**

The Monthly Statistical Summary Report for April, May and June, 2011, can be found under agenda item 8.5. As of June 30, 2011, there were 1,567 successful completions.

## **8.5.1 Diversion Evaluation Committee Resignation**

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in chemical dependency and/or mental health.

The following Diversion Evaluation Committee member has resigned for personal reasons. He will be recognized and a letter of appreciation will be mailed out.

### **RESIGNATION**

<b><u>NAME</u></b>	<b><u>TITLE</u></b>	<b><u>DEC</u></b>	<b><u>NO</u></b>
Juan Martinez	Nurse	North Central	12

## **8.5.2 Diversion Evaluation Committee Member Appointments & Reappointments**

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in substance use and abuse disorders and/or mental health.

## **APPOINTMENTS**

Below are the names of candidates who were interviewed and are being recommended for appointment to the DEC. Their applications and résumés are attached. If appointed, their terms will expire June 30, 2015.

<b><u>NAME</u></b>	<b><u>TITLE</u></b>	<b><u>DEC</u></b>	<b><u>NO</u></b>
Ina Zelikman	RN	Bay Area	2
George Warner	Public	Palm Springs	6
Barry Solof	Physician	San Jose	7
John Harsany	Physician	San Diego	10
Scott Reiter	Physician	North Coast	11
Cynthia Rinde	Public	Oakland	13
Clifton Schermerhorn	Physician	Oakland	13
Jack Friedman	Physician	Santa Ana	14

**Approve/Not Approve:** Appointments of Diversion Evaluation Committee Members

**M/S/C: Moved by Erin Niemela, Seconded by Judy Corless, Carried**

### **8.7 Public Comment for Items Not on the Agenda**

No public comments received.

The Chair adjourned the committee meeting at 9:37 a.m.

Approved: \_\_\_\_\_





## **DIVERSION/DISCIPLINE COMMITTEE MINUTES**

**DATE:** May 18, 2011

**SITE:** Doubletree Hotel - Ontario  
222 North Vineyard Avenue  
Ontario, CA 91764

**MEMBERS PRESENT:** Dian Harrison, Chair  
Judy L. Corless, BSN, RN  
Erin Niemela

**MEMBERS ABSENT:** Richard Rice

**STAFF PRESENT:** Louise Bailey, M.Ed., RN, Executive Officer  
Stacie Berumen, Enforcement Division Chief  
Carol Stanford, Diversion Program Manager

The Chair called the meeting to order at about 9:07 a.m.

### **8.0 REVIEW AND APPROVE MINUTES:**

Approve/Not Approve: Minutes of March 10, 2011

**M/S/C: Moved by Erin Niemela, Seconded by Judy Corless, Carried**

### **8.1 Nursys Discipline Data Comparison (Scrub) Update**

The Probation Program continues to work on the Nursys discipline data comparison project and will continue to do so until all records have been reconciled against California's records.

Currently, 1,805 records have been reviewed on the active license list. Determination was made whether the cases warranted a request for the other state's discipline documents. This review resulted in 1,050 requests for out-of-state documents. The documents will be evaluated and a decision made as to the appropriate action needed.

Review of the inactive license spreadsheet is in progress and will continue until complete. Holds have been placed on 1,915 inactive records to alert staff when a nurse on the list attempts to activate their license. This alert will allow staff to immediately request and review the records to determine if out-of-state discipline documents are needed for possible action on the license.

The status of the documents reviewed:

Referred to the Attorney General	298
Pleadings Received	272
Notices of Defense Received	242
Referred to Cite and Fine	38
Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)	515
Settlement or Decision Pending	61
Surrender or Revocation	80
Probation or Reprimand	14

#### **UPDATE:**

The contract language was reviewed DCA legal counsel, the Executive Officer, and the Enforcement Division Chief. The language is now being incorporated into the Board's existing contract with NCSBN. Once the contract has been approved by all parties at the Board, DCA information technology staff will begin the process to send all of our licensing data to NCSBN.

#### **AG COSTS:**

As of March 31, 2011, the BRN as expended \$527,582.50 at the AG's office on the Nursys Scrub cases.

#### **8.2 Internet Disclosure Policy**

The Board of Registered Nursing (BRN) began posting discipline information on its web site in 2006. This was done in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code). The BRN provides this information to better inform and protect California's health care consumers.

BRN provides information on the internet to indicate any disciplinary actions and their status through a series of codes from our legacy computer system. The discipline documents are added to support and explain actions taken.

In the last year, BRN staff has received requests to remove discipline documents from our website for a variety of reasons such as: it has been many years since the action was taken, the conviction included in the disciplinary action has been dismissed, expunged, or sealed, it hampers a licensee's ability to find employment, or the licensee is harassed by co-workers.

Enforcement staff has asked the committee and board members for a policy regarding discipline record retention on the internet.

#### **FULL BOARD RECOMMENDATION ON SEPTEMBER 24, 2010:**

Issue returned to the Diversion/Discipline Committee to create a policy for discipline record retention on the internet.

#### **SUB-COMMITTEE RECOMMENDATION ON NOVEMBER 16, 2010:**

Outside materials were not provided at the sub-committee meeting and held for next Diversion/Discipline Committee meeting for review and discussion.

**COMMITTEE RECOMMENDATION ON JANUARY 5, 2011:**

Provide the document prepared by DCA Supervising Legal Counsel, Don Chang, on December 30, 2010, to the full board for consideration and review at the January meeting.

**FULL BOARD RECOMMENDATION ON FEBRUARY 2, 2011:**

The board members requested staff prepare a series of options for consideration after reviewed and approved by DDC at their next meeting in March 2011.

**FULL BOARD RECOMMENDATION ON APRIL 13, 2011:**

The board members adopted a policy for record retention which is attached.

**QUESTION FOR COMMITTEE:**

The Medical Board enforced their statutory requirement to remove documents from the web beginning on a certain date.

**STAFF RECOMMENDATION/DISCUSSION:**

The policy statement was provided to the Committee Members with the recommendation of January 1, 2012 as the implementation date. The committee was informed that if staff resources were available the policy would be implemented sooner.

**Approve/Not Approve:** Internet Disclosure Policy Statement with January 1, 2012  
Implementation Date

**M/S/C: Moved by Judy Corless, Seconded by Erin Niemela, Carried**

**8.4 Enforcement Program Update and Statistics – Out of order in committee materials**

**Staff**

In response to Executive Order, B-3-11 ordering a hiring freeze, we submitted three individual exemption requests for our limited term staff members near the end of March 2011. On May 9, 2011, our requests made it out of the State and Consumer Services Agency and over to the Department of Finance (DOF). It is hoped a request will be submitted for nurses prior to this committee meeting and an update can be provided. However, we continue to wait for the DOF to determine if DCA has already reached their required budget reductions so that our department, as a whole, would be exempt from the hiring restrictions. BRN has been charged with extremely strict case completion time frames yet we continue to lack the ability to fill the necessary, approved positions, or to backfill our existing vacancies.

All three limited term staff members have either been returned to their previous agency or left state service as of May 10, 2011, leaving the Enforcement unit only 13.5 staff members, plus the program manager.

With the hiring limitations imposed by the Governor's hiring freeze we advertised and the Enforcement Chief, Stacie Berumen, Enforcement Program Manager, Kathy Hodge, and retired annuitant Special Investigator, Joan Loftin conducted interviews in March and April 2011 for our special investigator positions in northern California. We interviewed lateral transfer candidates within the Department of Consumer Affairs and those who are eligible on the new open list. There

are three candidates with tentative employment offers undergoing background investigation with the Division of Investigation and we are verifying eligibility for three other possible candidates. Unfortunately, we have not had very much success in recruiting for a supervising special investigator and will continue to recruit for the position in northern and southern California.

We have advertised for the Staff Services Manager III position and our Executive Officer, Louise Bailey, hopes to conduct interviews during May 2011 so we can move forward with our new units and processes.

### **Program**

Approximately 850 license renewal holds have been placed on licensees for license expiration in March and April 2011, who have not complied with the retroactive fingerprint requirements and the BRN has no proof of submission. The Administration Unit worked with the Department of Justice (DOJ) to compare our list of licensees who do not have a fingerprint result to their database in late April 2011. DOJ plans to retransmit fingerprint results it was able to locate and retrieve for BRN licensees during the week of May 9<sup>th</sup>. After that we will send out letters to licensees in an effort to resolve the renewal holds before the licensee renews the license as time and resources permit.

The Department of Consumer Affairs budget office notified the legislature that the BRN would exceed its spending authority for the Attorney General's budget line item in early April 2011. The CPEI BCP included language which allows the BRN to ensure continuous funding for the AG's office so there will not be any "slow down" or "work stoppage" prior to the end of the current fiscal year. However, the BRN is projected to exceed our budgeted line item by 84% by the end of June 30, 2011. The Enforcement Chief prepared and submitted a BCP Concept Paper on May 6, 2011, requesting augmentation to the AG, OAH, and Evidence/Expert Witness Expense line items in order to maintain the level of workload being generated and ensure consumer protection is administered as quickly as possible.

Another BCP Concept Paper was prepared and submitted by the Enforcement Chief to request the additional positions which were not approved in fiscal year 2010/11 as requested by BRN. The BCP Concept Papers are for fiscal year 2012/2013.

The BRN Enforcement and Probation programs began preparing and serving default decisions coming out of the Oakland and San Francisco AG's offices as of December 25, 2010. Evaluation of the pilot project has been extremely limited as Enforcement has only received a few qualifying default cases since the pilot began. Staff has worked with Don Chang to define necessary documents to be included in the evidentiary packets and a process is in place for legal review and approval of all defaults prepared by both units. Due to the small number of defaults prepared during the pilot program we cannot make a determination whether it is appropriate to return all defaults to the BRN. We continue to prepare default decisions to give us an opportunity to collect more data to support the BRN resuming the responsibility of preparing defaults from all AG offices.

### **BRN Investigations**

We only have two retired annuitant investigators actively working our cases in Northern California. The Department of Personnel Administration approved the use of the Special Investigator classification for the BRN in January 2011. All complaints determined to need formal investigation

and prioritized as high or urgent are referred to the DOI regardless of whether the complaints meet the DOI case investigation criteria. Only routine case investigations continue to be held for BRN investigation.

We continue to refer our oldest cases back to DOI for investigation until our special investigators have gone through specialized training and are prepared to begin conducting investigations.

### **Statistics**

There are 726 DOI investigations and 450 BRN investigations pending completion. There are 1,164 cases pending at the AG's office which continues to remain at a very high level. The BRN continues to be the AGO's biggest client, surpassing the Contractor's State Licensing Board.

From July 1, 2010 to May 9, 2011, enforcement served 569 accusations.

Please review the enforcement statistics reports (attachment) which have additional breakdowns of information.

## **8.3 Probation Program Update and Statistics – Out of order in committee materials**

### **Staff**

The probation program has a vacant limited term Office Technician position and completed recruitment efforts to fill this position. With the limitations of only being allowed to hire DCA lateral transfer candidates, we did not receive any eligible candidates. The position has just over 17 months remaining of the 24 months allowed.

We will begin recruiting for a vacant probation monitor position now that DCAs Human Resources unit has resolved some of our backlogged position transactions.

### **Program**

The Probation Program continues to work on the Nursys discipline data comparison project and will continue to do so until all records have been reconciled against California's records. Updates will be provided at each DDC meeting.

The Probation Program is assisting the Legal Affairs Division with the review and update of the Recommended Guidelines for Disciplinary Orders and Conditions of Probation. They were last revised in 2002 and are long overdue for cleanup and to incorporate recent legislative and regulatory changes.

### **Statistics**

Below are the statistics for the Probation program from as of May 1, 2011.

Probation Data	Numbers	% of Total
Male	150	28%
Female	379	72%
Chemical Dependency	298	56%
Practice Case	171	32%
Mental Health	4	<1%
Conviction	56	11%

Probation Data	Numbers	% of Total
Advanced Certificates	40	8%
Southern California	285	54%
Northern California	244	46%
Pending at the AG	73	14%
License Revoked	6	1%
License Surrendered	5	<1%
Terminated	0	0%
Completed	18	3%
Total in-state probationers	529	

## 8.5 Diversion Program Update and Statistics

### Program Update

The diversion program manager, Carol Stanford, Maximus program director, Virginia Matthews and a DEC member who was previously a successful Diversion Program participant presented a Diversion Program Education Seminar on April 18<sup>th</sup> to more than 60 Human Resource Executives, Directors, and Chief Nursing Officers in southern California. The presentation outlined the history of the California Diversion Program and explained the purpose and responsibilities of different components of the program. Copies of the presentation are available upon request. The seminar was well received with a request that the same seminar be presented in northern California.

One of the case managers who testified at a hearing was invited by the administrative law judge to present information about the Diversion Program to her colleagues, Attorney Generals and district attorneys. Information regarding this presentation will be forthcoming at a later date. Another case manager presented information on the Diversion Program at UC Davis Medical Center. Several of the evaluations indicated the presentation was excellent and more hospitals need to hear about the program.

### Contractor Update

BRN diversion program staff, other diversion program managers, and DCA legal staff have been meeting with Maximus to outline any minor contract changes needed to conform to the requirements outlined in SB1441 and SB 1172.

A review of the relapse rates outlined in our quarterly report shows four consecutive quarters of a decrease in the amount of relapses that are occurring. We will continue to monitor these outcomes to determine if a trend is emerging.

On May 4, 2011, Maximus achieved "recommendation for registration" after completing the International Organization for Standardization (ISO) audit. The Maximus Diversion Program is the only program in the nation who has achieved this status. Virginia Matthews, Maximus Program Director, will present a brief report on this achievement and overview regarding upcoming events and developments.

### Diversion Evaluation Committees (DEC)

On April 14<sup>th</sup> two students from a nearby nursing program attended a DEC meeting in Southern California believing it was a regular BRN board meeting. The DEC members and diversion

program manager took the opportunity to educate the students about the Diversion Program and the dangers of substance abuse. The Maximus case manager provided information to the students and will schedule a presentation for the nursing program at a later date.

In response to a mass mailing done in February 2011, several physicians with expertise in substance abuse disorders have contacted the Board requesting the opportunity to serve as DEC members. We are thrilled with the response and support. Several physicians have already been interviewed and several more are scheduled for interviews in the near future. We have provided a list of new applicants in today's packet for your consideration.

There are currently 12 vacancies as follows: four Registered Nurses, five Physicians, and three Public members. Recruitment efforts continue.

### **Statistics**

Attached is the Monthly Statistical Summary Report for February and March, 2011. As of March 31, 2011, there were 1,545 successful completions.

### **8.5.1 Diversion Evaluation Committee Resignation**

In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

The following Diversion Evaluation Committee member has resigned for personal reasons. Efforts will be recognized and a letter of appreciation will be mailed out.

### **RESIGNATION**

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Marva Roddy	Nurse	Palm Springs	6
Shannon Chavez	Physician	San Diego	10
Elinore McCance-Katz	Physician	Oakland	13

### **8.5.2 Diversion Evaluation Committee Member Appointments & Reappointments**

In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician and a public member with expertise in substance use and abuse disorders and/or mental health.

### **APPOINTMENTS**

Below are the names of candidates who were interviewed and are being recommended for appointment to the Diversion Evaluation Committees (DEC). Their applications and résumés are attached. If appointed, their terms will expire June 30, 2015

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Tonia Jones	RN	Orange County	4
Julie Gordon-Browar	RN	Fresno	5
Mason Turner	Physician	Fresno	5
Jacqueline Perry	RN	Palm Springs	6
Sam Shapiro	Physician	Burbank	8
Michael Parr	Physician	North Central	12

## REAPPOINTMENTS

Below are the names of members who are being recommended for reappointment to the Diversion Evaluation Committees (DEC). Their requests and résumés are attached. If appointed, their terms will expire June 30, 2015

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Patti Velez	Public	Ontario	9
Stephen Miller	Public	North Coast	11
Patricia Butler	Nurse	North Central	12

Below are the names of members who are being recommended for term extensions to the Diversion Evaluation Committees (DEC). Their requests and résumés are attached. If appointed, their terms will expire June 30, 2014

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Mike Mayo	Public	Fresno	5
Sheila Messina	RN	North Coast	11

Below are the names of members who are being recommended for term extensions to the Diversion Evaluation Committees (DEC). Their requests and résumés are attached. If appointed, their terms will expire June 30, 2013

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Gordon Ogden	RN	Fresno	5
Rosemary Miller	RN	Oakland	13

## TRANSFER

Below are the names of the DEC members who are being recommended for a transfer to another committee.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Christopher Schaal	RN	Oakland	13
Glen Wedeen	Physician	Ontario	9

**Approve/Not Approve:** Appointments and Reappointments of Diversion Evaluation Committee Members



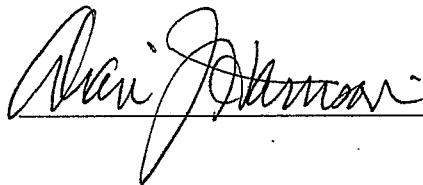
**M/S/C: Moved by Judy Corless, Seconded by Erin Niemela, Carried**

**8.7 Public Comment for Items Not on the Agenda**

No public comments received.

The Chair adjourned the committee meeting at 10:16 a.m.

Approved:

A handwritten signature in dark ink, appearing to read "Erin Niemela", is written over a horizontal line.



**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

---

**AGENDA ITEM: 1.1**  
**DATE: October 12, 2011**

**ACTION REQUESTED:** Nursys Discipline Data Comparison (Scrub) Update

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

The Probation Program continues to work on the Nursys discipline data comparison project and will continue to do so until all records have been reconciled against California's records.

Currently, 1,805 records have been reviewed on the active license list. Determination was made whether the cases warranted a request for the other state's discipline documents. This review resulted in 1,050 requests for out-of-state documents. The documents will be evaluated and a decision made as to the appropriate action needed.

Review of the inactive license spreadsheet is in progress and will continue until complete. Holds have been placed on 1,915 inactive records to alert staff when a nurse on the list attempts to activate their license. This alert will allow staff to immediately request and review the records to determine if out-of-state discipline documents are needed for possible action on the license.

The status of the documents reviewed:

Referred to the Attorney General	391
Pleadings Received	339
Default decisions effective	109
Referred to Cite and Fine	43
Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)	682
Settlement or Decision Pending	189
Surrenders effective	33
Probation or Reprimand	61

**UPDATE:**

The amendment to the contract with the National Council of State Boards of Nursing (NCSBN) has been fully executed. The Department of Consumer Affairs' Office of Information Services and BRN technology staff have tested the data fields with NCSBN and expect to send the full licensing data file on October 6, 2011.

**AG COSTS:**

As of August 31, 2011, the BRN has expended \$765,758 at the AG's office on the Nursys Scrub cases.

**NEXT STEP:**

Continue to order, review, and determine what, if any, action will be taken against California licensees who have been disciplined by another state/agency. Updates will be provided to the committee and board at each meeting. Follow directions given by committee and/or board.

**FINANCIAL IMPLICATION, IF ANY:**

Updates will be provided at each DDC meeting regarding the data comparison results and costs at the AG's office and OAH for review and possible action.

**PERSON TO CONTACT:**

Stacie Berumen, Assistant Executive Officer  
(916) 574-7678

Beth Scott, Deputy Chief of Discipline, Probation and Diversion  
(916) 574-8187



**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM: 1.2**  
**DATE: October 12, 2011**

**ACTION REQUESTED:** Information Only: Complaint Intake and Investigations Update

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

**PROGRAM UPDATE**

**Staff**

The BRN hiring freeze exemption request for five of eight nursing education consultants (NEC) was approved by the Governor on September 16. The approval was for NECs in Education and Enforcement. We may have difficulty recruiting for these positions since the majority of the candidates are from Southern California and all enforcement NEC positions are located in Sacramento. Janette Wackerly, Supervising NEC and Kathy Hodge will jointly conduct interviews with Northern California candidates. Active recruitment efforts are underway through various publications and nursing groups.

The additional exemption request to fill 18 of our 26 remaining vacant positions (first line managers, special investigators (SI), and office technicians (OT)) is currently at Agency. Additional updates will be provided if available. Analysts continue to perform much of the support staff duties since Complaint Intake and Investigations has only 1.5 OT positions filled. As a result of the lack of support staff, our progress to reduce case turnaround times remains severely compromised.

We have had the opportunity to hire, as follows:

Investigations: Northern - We have one special investigator candidate undergoing background investigation with anticipated hire date in mid-October. We have two vacant SI positions remaining.

Investigations: Southern – Interviews are scheduled for October 12 and 13 in Southern California to fill seven special investigator positions and the supervisor position. We hope to get approval to hire outside of DCA since we only have five viable DCA candidates.

Six staff completed the DCA Enforcement Academy held September 19-23. Investigators are scheduled to attend a Regulatory Investigations class the week of October 17-21.

**Program - Complaints**

The three complaint intake analysts are being trained to review and evaluate new complaints and investigative reports, and refer cases to expert witnesses. These duties are intended to be shared with five NECs, so they are extremely overwhelmed with the amount of work coming across their desks

and have had to work overtime to try and relieve some of the back log.

Additional training is planned to educate the Licensing staff on how to identify and request the documents enforcement needs to review and evaluate a case. When files are complete, enforcement can turn the cases around in less than one month. Our goal continues to be less than two weeks.

As part of our new quality assurance process, all case closures must have a written justification and management approval.

Until we are able to hire support staff, the Complaint Intake analysts are unable to request and track evidentiary documents for all new complaints to support the nurses and/or investigators, as planned.

Fingerprint Requirement – Letters are being sent to non-compliant individuals during their renewal cycle, beginning with March 2011 renewals. Approximately 5,000 licensees failed to comply with the retroactive fingerprint requirement. Some complied upon learning their license will be inactivated. We receive a large amount of returned mail, indicating these nurses are failing to change their address as well. All non-compliant individuals have had their license inactivated and referred to enforcement.

### **Program - Investigations**

Two retired annuitant (RA) SIs are actively working our cases in Northern California. We have four special investigators working fairly independently on cases, three of which have completed their first draft reports. The RAs are available to help conduct investigation interviews as needed.

Investigator travel expenses are a concern facing BRN. Management was told the DCA has met the allotted number of state vehicles permitted under the Governor's new restrictions; investigators are required to use a personal vehicle to conduct investigations and expense the use at 0.55 cents/mile. A comparison of costs was done to pay travel expenses for use of personal vehicle with using a state vehicle on a monthly basis.

Comparison	1200 miles	2000 miles
State Vehicle (includes fuel & maintenance)	\$350	\$445
Travel Expense (0.55)	\$600	\$1,000

Management staff was also advised the DCA has met the allotted number of cell phones under the Governor's cell phone restrictions. We redirected all non-essential cell phones from other BRN staff to the current investigators. An exemption request is being submitted to DCA OIS to procure cell phones for all vacant investigator positions. BRN management has relayed extreme concern to DCA staff that investigators will be traveling to remote and unsafe areas without a means to contact emergency services or their supervisor.

We continue to utilize the resources and expertise of DOI for cases that meet their investigation criteria, as well as those that are prioritized as high or urgent – particularly in Southern California, as we have not hired BRN investigators. Only routine case investigations are held for BRN investigation.

All 2009 cases are either assigned to BRN investigators or have been referred to DOI. Approximately 270 of the 2010 cases still need to be reviewed and assigned to either DOI or BRN.

**Statistics**

For July/August of FY 2011/12, we received 1,245 complaints, as compared to 1,537 this time last fiscal year. There are 842 DOI investigations and 54 BRN investigations assigned and pending completion.

Please review the enforcement statistics reports in 8.5 for additional breakdowns of information.

**NEXT STEP:**

Continue filling CPEI positions as allowed within the hiring freeze limitations. Continue to monitor statistics for improvement in case processing time frames. Seek direction from the committee.

**FINANCIAL IMPLICATION, IF ANY:**

None at this time. Updates will be provided at each DDC meeting for review and possible action.

**PERSON TO CONTACT:**

Kathy Hodge, Deputy Chief, Complaints and Investigations  
(916) 574-7678





**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM: 1.3**  
**DATE: October 12, 2011**

**ACTION REQUESTED:** Information Only: Discipline and Probation Update

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

**PROGRAM UPDATE**

**Staff**

The Discipline Unit has a full-time permanent Office Technician (OT) vacancy. The Probation and Discipline Units each have a vacant limited term Office Technician position. Recruitment efforts were completed to fill these positions. With the hiring freeze limitations, we did not receive any eligible candidates. The limited term positions have just over 12 months remaining of the 24 months allowed. Additionally, on October 17, 2011 the OT position that serves as support to the probation unit will become vacant, leaving the probation unit without clerical support.

Effective September 12, 2011, the vacant probation monitor position was filled with a lateral transfer from a BRN legal support analyst, leaving that position vacant. Recruitment efforts to fill the vacancy at the legal support analyst are underway as the position has only 12 months remaining.

On October 12, 2011, a new AGPA transferring from the DCA's Bureau of Automotive Repair will begin in the Discipline Unit.

**Program - Discipline**

The Discipline and Probation staff began preparing default decisions prepared by the Oakland and San Francisco AGs offices as of December 25, 2010. Although we would like to take on the other AG office locations, we are unable to do so until we are authorized to put the appropriate level of personnel in place.

Staff continues to increase its usage of citation and fine as a constructive method to inform licensees and applicants of violations which do not rise to the level of formal disciplinary action. However, the citation desk has a backlog of pending citations due to lack of staff.

As workload is transitioned from Discipline to Complaint Intake the analysts will begin auditing charges from the AG's offices to determine if the BRN is being charged appropriately. It is more important than ever to regularly audit AG billing since the Governor signed legislation which limits billing disputes with the AG's office to 45 days after a bill has been submitted for payment by an agency.

### **Program - Probation**

The Probation unit continues to work on the Nursys discipline data comparison project and will continue to do so until all records have been reconciled against California's records.

The Probation unit presented the probation monitoring module at the DCA's Enforcement Academy on September 23, 2011 and received positive feedback for their participation.

The Probation unit is preparing to provide training to the Sacramento, Los Angeles, and San Diego AG's office on implementing terms negotiated during settlement. Training has already been given to the San Francisco and Oakland offices.

On September 15, 2011, Probation and Diversion management met with the president of Firslab, Scott Storrer to give suggestions for enhancing our random drug screening program. On September 28, 2011, follow-up was provided by Scott Storrer and Firslab has responded to our suggestions by potentially adding 64 new testing labs throughout California, providing expert witnesses available on the West Coast to decrease costs to the BRN, provide training to the Attorney General's office regarding positive alcohol drug screens and relapse information.

### **Statistics - Discipline**

There are 1,100 cases pending at the AG's office which continues to remain at a very high level. The BRN continues to be the AGO's largest client, surpassing the Contractor's State Licensing Board.

Please review additional statistical information which can be found under item 8.5.

### **Statistics – Probation**

Below are the statistics for the Probation program from July 21, 2011 to September 28, 2011.

Probation Data	Numbers	% of Total
Male	150	26%
Female	427	74%
Chemical Dependency	304	53%
Practice Case	189	33%
Mental Health	3	<1%
Conviction	84	15%
Advanced Certificates	56	10%
Southern California	315	55%
Northern California	262	45%
Pending at the AG	74	13%
License Revoked	1	<1%
License Surrendered	3	<1%
Terminated	3	<1%
Completed	7	<1%
Total in-state probationers	577	

### **NEXT STEP:**

Continue to develop probation monitor procedure manual. Follow directions given by committee and/or board. Regain ability to prepare all default decisions.

**FINANCIAL IMPLICATION, IF ANY:**

None at this time. Updates will be provided at each DDC meeting for review and possible action.

**PERSON TO CONTACT:**

Beth Scott, Deputy Chief of Discipline, Probation, and Diversion  
(916) 574-8187



**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 1.4  
**DATE:** October 12, 2011

**ACTION REQUESTED:** Information Only: Diversion Program Update

**REQUESTED BY:** Beth Scott, Deputy Chief, Discipline, Probation, and Diversion

**BACKGROUND:**

**Program Update**

The Substance Use Disorder in Nursing Resource Manual and Guidelines for Alternative to Disciplinary Monitor Programs has been officially published and is available on the National Council of State Boards of Nursing (NCSBN) website. This manual was developed by the nine-member committee established by NCSBN to review discipline and alternative programs. The Diversion Program manager, Carol Stanford, was a part of this committee and assisted in writing the manual. Although it was originally developed for alternative to discipline programs and nursing boards, it also provides “essential theoretical and practical guidelines for clinicians, educators, policymakers and public health professionals.” It will be a useful handbook for all agencies, and others that are involved with monitoring professionals with substance abuse disorders. Some of the chapters include: Substance Use, Abuse and Addiction; Risks and Protective Factors for Nurses; Regulatory Management of Nurses with a Substance Use Disorder; Screening, Intervention and Referral to Treatment; Substance Use Disorder in the Workplace; Types of Programs; Treatment and Continuing Care; Return-to-Work Guidelines; Monitoring and Compliance; Drug Testing; The Importance of Outreach and Education for Alternative Programs; Alternative Program Evaluation. Information contained in the handbook was based on the review of research literature on substance abuse disorders and surveys. “It is a comprehensive resource of the most current research and knowledge synthesized from both the literature and the field.”

Effective October, 3, 2011, Gustave Krumm started in the Diversion Program as an Office Technician. Gus has been employed with the Bureau of Security/Investigative Services since April 2009. He has experience in the field of substance abuse disorders and is looking forward to working in the Diversion Program at the Board of Registered Nursing. The Diversion Program is now fully staffed with no vacancies.

The Diversion Program manager, Carol Stanford and Maximus Project Director, Virginia Matthews presented at a Northern California seminar for Sutter Medical Center California on September 29, 2011. The seminar was designed to provide critical information on the BRN’s Diversion program. Several nursing managers, directors, and supervisors were in attendance and the information and dialogue that occurred was very informative. Staff received positive feedback. A copy of the agenda is available upon your request.

### **Contractor Update**

The Diversion Program Committee, (DPC) continues to meet monthly. Dr. Stephen Grinstead, a leader in relapse prevention research, presented at the DPC meeting on September 6, 2011. The information he provided regarding addiction free pain management and relapse prevention to the staff and managers was vital. He will also provide training at the upcoming Diversion Liaison Committee meeting and Diversion Evaluation Committee Orientation.

### **Diversion Evaluation Committees (DEC)**

A Diversion Evaluation Committee Orientation is scheduled for October 26, 2011. It will be one of the largest DEC orientations with over 17 confirmed new DEC members in attendance.

There are currently 5 vacancies as follows: two Registered Nurses and three public members. Recruitment efforts continue.

### **Statistics**

The Monthly Statistical Summary Report for July and August can be found under agenda item 8.5. As of August 30, 2011, there were 1,584 successful completions.

<b>NEXT STEP:</b>	None
<b>FINANCIAL IMPLICATION, IF ANY:</b>	None at this time. Updates will be provided at each DDC meeting for review and possible action.
<b>PERSON TO CONTACT:</b>	Carol Stanford, Diversion Program Manager (916) 574-7616





**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 1.4.1

**DATE:** October 12, 2011

**ACTION REQUESTED:** Diversion Evaluation Committee Resignation

**REQUESTED BY:** Beth Scott, Deputy Chief, Discipline, Probation, and Diversion

**BACKGROUND:**

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in chemical dependency and/or mental health.

There are no resignations to report to the committee.

**NEXT STEP:** Continue recruiting efforts

**FINANCIAL IMPLICATION, IF ANY:** None at this time

**PERSON TO CONTACT:** Carol Stanford, Diversion Program Manager  
(916) 574-7616



**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM: 1.4.2**

**DATE: October 12, 2011**

**ACTION REQUESTED:** Diversion Evaluation Committee (DEC) Member  
Appointments

**REQUESTED BY:** Beth Scott, Deputy Chief, Discipline, Probation, and Diversion

**BACKGROUND:**

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in substance use and abuse disorders and/or mental health.

**APPOINTMENTS**

Below are the names of candidates who were interviewed and are being recommended for appointment to the DEC. Their applications and résumés are attached. If appointed, their terms will expire June 30, 2015.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Cynthia Grauvogl	RN	San Diego	10
Linda Quimby-McInnes	Public	North Central	12

**NEXT STEP:** Continue recruiting efforts

**FINANCIAL IMPLICATION, IF ANY:** None

**PERSON TO CONTACT:** Carol Stanford, Diversion Program Manager  
(916) 574-7616



**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 1.5  
**DATE:** October 12, 2011

**ACTION REQUESTED:** Information Only: Enforcement Division Statistics

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

Attached you will find statistics for the Enforcement Division and the Diversion Program. Please review the information provided.

**NEXT STEP:** Updates will be provided to the committee and board at each meeting. Follow directions given by committee and/or board.

**FINANCIAL IMPLICATION, IF ANY:** None at this time

**PERSON TO CONTACT:** Kathy Hodge, Deputy Chief of Complaint Intake and Investigation  
(916) 574-7678

Beth Scott, Deputy Chief of Discipline, Probation and Diversion  
(916) 574-8187

Carol Stanford, Diversion Program Manager  
(916) 574-7616

# CALIFORNIA BOARD OF REGISTERED NURSING ENFORCEMENT STATISTICS

August 31, 2011

STATISTICAL DESCRIPTION	2007-08	2008-09	2009-10	2010-11	2011-12*	Projected FY 2011-12
Complaints Received	3,900	5,794	7,483	7,977	1,272	7,632
Consumer Complaints	2,781	3,323	2,190	3,063	530	3,180
Convictions/Arrests	1,119	2,471	5,293	4,914	742	4,452
Referred to Diversion Program	332	400	604	368	24	144
Division of Investigation (Sworn)-Assigned	816	582	484	835	143	858
Division of Investigation Closed	771	748	1,015	716	90	540
Division of Investigation Pending	1,336	1,170	641	789	843	
BRN Investigations (Non Sworn)-Assigned			58	33	32	192
BRN Investigations Closed			14	53	2	12
BRN Investigations Pending			40	25	54	
BRN Desk Investigations Assigned	3,140	5,650	7,865	7,409	1,163	6,978
BRN Desk Investigations Closed	2,319	3,519	7,116	6,668	1,041	6,246
BRN Desk Investigations Pending	928	1,677	1,887	2,137	2,454	
Criminal Actions Filed	23	22	21	16	0	0
Total Cite and Fine Citations Issued	35	115	181	105	0	0
Referred to Attorney General	436	515	766	1,190	134	804
Cases Pending at Attorney General	599	692	838	1,198	1,098	
Petititons to Revoke Probation Filed	74	59	91	61	8	48
Accusations Filed	404	359	696	913	120	720
Statements of Issues Filed	16	14	13	52	21	126
Total Pleadings	494	432	800	1,026	149	894
Orders to Compel Examination (Sec. 820)	6	4	4	10	0	0
Interim Suspension Order	1	2	8	1	0	0
PC23	4	8	6	7	1	6
Applicant Disciplinary Actions:						
(a) License Denied	17	15	27	55	11	66
(b) License Issued on Probation	10	4	9	14	8	48
Total, Applicant Discipline	27	19	36	69	19	114
Licensee Disciplinary Actions:						
(a) Revocation	121	131	243	273	58	348
(b) Probation	131	139	176	267	35	210
(c) Suspension/Probation	10	6	1	6	0	0
(d) License Surrendered	73	79	92	155	35	210
(e) Public Reprimand/Reproval	3	8	12	37	35	210
(f) Decisions Other	1	5	2	5	1	6
Total, Licensee Discipline	339	368	526	743	164	984
Process Used for Discipline (licensees)						
(a) Administrative Hearing	38	56	58	102	19	114
(b) Default Decision	101	105	206	217	50	300
(c) Stipulation	200	207	262	424	95	570
Total	339	368	526	743	164	984

\*Fiscal Year to Date

COMPLAINT INTAKE

COMPLAINTS	JUL-11	AUG-11	YTD
RECEIVED	266	264	530
CLOSED W/O INV ASSIGNMENT	85	35	120
ASSIGNED FOR INVESTIGATION	237	216	453
AVG DAYS TO CLOSE OR ASSIGN	13	13	13
PENDING	145	158	158
CONVICTIONS/ARREST REPORTS	JUL-11	AUG-11	YTD
RECEIVED	391	351	742
CLSD/ASSGND FOR INVESTIGATION	356	382	738
AVG DAYS TO CLOSE OR ASSIGN	13	16	15
PENDING	168	137	137
TOTAL INTAKE	JUL-11	AUG-11	YTD
RECEIVED	657	615	1272
CLOSED W/O INV ASSIGNMENT	88	63	151
ASSIGNED FOR INVESTIGATION	590	570	1160
AVG DAYS TO CLOSE OR ASSIGN	13	15	14
PENDING	313	295	295

INVESTIGATIONS				
DESK INVESTIGATIONS	JUL-11	AUG-11		YTD
ASSIGNMENTS	592	571		1163
CLOSED	479	561		1040
AVERAGE DAYS TO CLOSE	72	84		79
PENDING	2577	2455		2455
FIELD INVESTIGATIONS:NON-SWORN	JUL-11	AUG-11		YTD
ASSIGNMENTS		22		32
CLOSED	10	2		2
AVERAGE DAYS TO CLOSE	0	727		727
PENDING	035	54		54
FIELD INVESTIGATIONS:SWORN	JUL-11	AUG-11		YTD
ASSIGNMENTS		110		143
CLOSED	33	43		90
AVERAGE DAYS TO CLOSE	493	394		446
PENDING	776	843		843
ALL INVESTIGATIONS	JUL-11	AUG-11		YTD
FIRST ASSIGNMENTS	593	571		1164
CLOSED	526	606		1132
AVERAGE DAYS TO CLOSE	109	108		109
PENDING	3388	3352		3352
ALL INVESTIGATIONS AGING	JUL-11	AUG-11		YTD
UP TO 90 DAYS	390	410		800
91 TO 180 DAYS	44	72		116
181 DAYS TO 1 YEAR	39	78		117
1 TO 2 YEARS	43	38		81
2 TO 3 YEARS	8	7		15
OVER 3 YEARS		1		3
	2			
CLOSED W/O DISCIPLINE REFERRAL	JUL-11	AUG-11		YTD
CLOSED	463	510		973
AVERAGE DAYS TO CLOSE	88	85		87



## ENFORCEMENT ACTIONS

AG CASES	JUL-11	AUG-11	YTD
AG CASES INITIATED		78	134
AG CASES PENDING	1113	1104	1104
SOIs/ACCUSATIONS	JUL-11	AUG-11	YTD
SOIs FILED		11	21
ACCUSATIONS FILED	1061	59	120
SOI DECISIONS/STIPS	JUL-11	AUG-11	YTD
PROP/DEFLT DECISIONS		2	3
STIPULATIONS	1	4	6
	2		
ACC DECISIONS/STIPS	JUL-11	AUG-11	YTD
PROP/DEFLT DECISIONS		24	67
STIPULATIONS	4348	47	95
SOI DISCIPLINARY ORDERS	JUL-11	AUG-11	YTD
SOI FINAL ORDERS (DEC/STIPS)		6	9
AVERAGE DAYS TO COMPLETE	427	388	401
ACC DISCIPLINARY ORDERS	JUL-11	AUG-11	YTD
ACC FINAL ORDERS (DEC/STIPS)		71	162
AVERAGE DAYS TO COMPLETE	91608	638	621
TOTAL DISCIPLINARY ORDERS	JUL-11	AUG-11	YTD
TOTAL FINAL ORDERS (DEC/STIPS)		77	171
TOTAL AVERAGE DAYS TO COMPLETE	94603	619	610
TOTAL ORDERS AGING	JUL-11	AUG-11	YTD
UP TO 90 DAYS		0	0
91 TO 180 DAYS	0	1	4
181 DAYS TO 1 YEAR	37	19	56
1 TO 2 YEARS	30	36	66
2 TO 3 YEARS	9	12	21
OVER 3 YEARS	15	9	24
SOIs WDRWN DSMSSD DCLND	JUL-11	AUG-11	YTD
SOIs WITHDRAWN		0	0
SOIs DISMISSED	0	0	0
SOIs DECLINED	0	0	0
AVERAGE DAYS TO COMPLETE	0	0	0
ACCUSATIONS WDRWN DSMSSD DCLND	JUL-11	AUG-11	YTD
ACCUSATIONS WITHDRAWN		1	5
ACCUSATIONS DISMISSED	4	0	3
ACCUSATIONS DECLINED	3	0	4
AVERAGE DAYS TO COMPLETE	458	146	891
NO DISCIPLINARY ACTION	JUL-11	AUG-11	YTD
CLOSED W/O DISCIPLINARY ACTION		8	13

AVERAGE DAYS TO COMPLETE	245	301	279
CITATIONS	JUL-11	AUG-11	YTD
FINAL CITATIONS	0	0	0
AVERAGE DAYS TO COMPLETE	0	0	0
OTHER LEGAL ACTIONS	JUL-11	AUG-11	YTD
INTERIM SUSP ORDERS ISSUED		0	0
PC 23 ORDERS ISSUED	0	1	1
	0		

PERFORMANCE MEASURES

	JUL-11	AUG-11	YTD
PM1: COMPLAINTS VOLUME	266	264	530
PM1: CONV/ARREST RPRTS VOLUME	391	351	742
PM2: CYCLE TIME-INTAKE	13	15	14
PM3: CYCLE TIME-NO DISCIPLINE	88	85	87
PM4: CYCLE TIME-DISCIPLINE	585	589	586

PM1: COMPLAINTS VOLUME - PM1: CONV/ARREST RPRTS VOLUME  
Number of Complaints and Convictions/Arrest Orders Received within the specified time period.

PM2: CYCLE TIME-INTAKE  
Average Number of Days to complete Complaint Intake during the specified time period.

PM3: CYCLE TIME-NO DISCIPLINE  
Average Number of Days to complete Complaint Intake and Investigation steps of the Enforcement process for Closed Complaints not resulting in Formal Discipline during the specified time period.

PM4: CYCLE TIME-DISCIPLINE  
Average Number of Days to complete the Enforcement process (Complaint Intake, Investigation, and Formal Discipline steps) for Cases Closed which had gone to the Formal Discipline step during the specified time period.

**BOARD OF REGISTERED NURSING  
DIVERSION PROGRAM  
STATISTICAL SUMMARY  
July 1, 2011 - August 31, 201**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
<b>INTAKES COMPLETED</b>	32	32	4,296
<b>INTAKE INFORMATION</b>			
Female	25	25	3,381
Male	7	7	915
Average Age	35-44		
Most Common Worksite	Hospital		
Most Common Specialty	Critical Care		
Most Common Substance Abused	Alcohol/Trazadone		
<b>PRESENTING PROBLEM AT INTAKE</b>			
Substance Abuse (only)	16	16	2,791
Mental Illness (only)	1	1	146
Dual Diagnosis	14	14	1,315
Undetermined	1	1	44
<b>REFERRAL TYPE*</b>			
Self	11	11	1,324
Board	21	21	2,972
*May change after Intake			
<b>ETHNICITY (IF KNOWN) AT INTAKE</b>			
Asian	1	1	86
African American	2	2	135
Hispanic	4	4	164
Native American	0	0	30
Pacific Islander	0	0	17
Caucasian	23	23	3,535
Other	1	2	63
Not Reported	0	0	266
<b>CLOSURES</b>			
Successful Completion	17	17	1,584
Failure to Derive Benefit	0	0	107
Failure to Comply	4	4	928
Moved to Another State	0	0	51
Not Accepted by DEC	1	1	45
Voluntary Withdrawal Post-DEC	5	5	292
Voluntary Withdrawal Pre-DEC	8	8	421
Closed Public Risk	7	7	222
No Longer Eligible	0	0	20
Client Expired	0	1	37
<b>TOTAL CLOSURES</b>	42	42	3,707
<b>NUMBER OF PARTICIPANTS: 486 (as of August 31, 2011)</b>			